

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:22-CV-168-BO-RN

VICTOR A. MALAFRONTE, )  
Plaintiff, )  
)  
v. )  
)  
UNITED STATES OF AMERICA, )  
Defendant. )

O R D E R

This cause comes before the Court on a motion by the United States to dismiss for lack of subject matter jurisdiction. Plaintiff has responded, the United States has replied, and the matter is ripe for ruling. The United States contends that plaintiff's complaint should be dismissed for failure to exhaust administrative remedies under the Camp Lejeune Justice Act. For the reasons stated in *United States v. Pugh*, No. 7:22-CV-124-BO-BM [DE 19] (E.D.N.C. Jan. 27, 2023), which shall be filed as an attachment to this order, the motion to dismiss [DE 16] is GRANTED. This action is DISMISSED WITHOUT PREJUDICE.

In light of the dismissal of this action, the Court need not address the application of Local Civil Rule 83.1(e)(5) to this case. The motion for leave to file amicus curiae brief [DE 12] is therefore DENIED AS MOOT. The clerk shall close this case.

SO ORDERED, this 27 day of January 2023.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE